

**United States
Department of
Agriculture**

**Forest
Service**

**R-6
R-5**

**OR/WA
CA**

**Bureau of Land
Management**

**United States
Department of
the Interior**

Reply Refer To: 2670 (FS)/ 6840 (BLM) (OR-931) P

Date: November 22, 2006

FS-Memorandum

EMS TRANSMISSION

BLM-Instruction Memorandum No. OR-2007-010

Expires: 09/30/2008

To: Bureau of Land Management District Managers (Coos Bay, Eugene, Lakeview, Medford, Roseburg, and Salem), Field Managers (Klamath Falls and Tillamook, OR; Arcata, Redding, and Ukiah, CA), and Forest Service National Forest Supervisors and Columbia River Gorge National Scenic Area Manager within the Northwest Forest Plan Area

Subject: Management Direction regarding the November 6, 2006, Opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al. No. 06-35214 (CV 03-3124, District of Oregon)

On November 6, 2006, the Ninth Circuit Court of Appeals issued an opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al., No. 06-35214 (attached). The court held that the 2001 and 2003 Annual Species Reviews regarding the red tree vole are invalid under the Forest Land and Policy Management Act and National Environmental Policy Act and concluded that the Bureau of Land Management's (BLM) Cow Catcher and Cottonsnake timber sales violate federal law.

While this ruling is directed to the Oregon/Washington BLM, the California BLM and Forest Service in Regions 5 and 6 have both relied upon the 2001 and 2003 Annual Species Reviews. It is prudent that the BLM and both Regions proceed in a similar manner on management of their timber sales.

1. Awarded Timber Sales

At this point in time, all awarded timber sales should proceed with one exception; if you have an awarded sale that is under administrative review or in litigation with a red tree vole or Annual Species Review issue, call the State Office or the Regional Office immediately to consult on how to proceed.

2. Planned or Unawarded Timber Sales

- a. If your planned or unawarded timber sale falls under an exemption issued in the October 11, 2006, modified injunction in Northwest Ecosystem Alliance et al. v. Rey et al., Civ. No. 04-844 P (W.D. Wash) (attached) you may proceed with these projects since Survey and Manage does not apply to these activities.
- b. If your planned or unawarded timber sale falls outside of the exempted activities in the modified injunction in Northwest Ecosystem Alliance et al. v. Rey et al. referenced above, do not award but call the State Office or the Regional Office to consult on how to proceed.

For contacting the State Office or the Regional Office, information is provided below:

Technical questions (pertaining to planned or unawarded timber sales):

- Oregon BLM: Anita Bilbao, (503) 808-6081
- California BLM: Glenn Lahti, (530) 224-2182
- Region 5: Debbie Whitman, (707) 562-8689
- Region 6: Sara Crim (503) 808-2810

Policy-related questions:

- Oregon BLM: Mike Haske, (503) 808-6066
- California BLM: Paul Roush, (707) 825-2313
- Region 5: Debbie Whitman, (707) 562-8689
- Region 6: Alan Christensen, (503) 808-2922

Kathy Eaton (for)
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Acting State Director, OR/WA
USDI Bureau of Land Management

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USDA Forest Service

James Wesley Abbott (for)
MIKE J. POOL
State Director, CA
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Beth G. Pendleton (for)
BERNARD WEINGARDT
Regional Forester, Region 5
USDA Forest Service

2 Attachment(s)

- 1 – [November 6, 2006, Opinion in Klamath-Siskiyou Wildlands Center et al. v. Boody et al.](#) (23 pp)
- 2 – [October 11, 2006, Stipulation and Order re: Injunction in Northwest Ecosystem Alliance et al. v. Rey et al.](#) (3 pp)

BLM Distribution

WO-230 (204LS) (Dwight Fielder)
WO-270 (1025LS) (Rick Tholen)
CA-330 (Paul Roush)
CA-930 (Glenn Lahti)
CA-932 (Edward Lorentzen)
OR-010 (Mike Bechdolt, Don Hoffheins)
OR-080 (Jeffrey Gordon, Randall K. Gould)
OR-090 (Alan Corbin, Wayne Elliott)
OR-100 (Steven Niles, Meagan Conry)
OR-110 (Forestry Lead, Jim McConnell)
OR-120 (Jon Menten, Steven Fowler)
OR-931 (Michael Haske, Anita Bilbao, Lyndon Werner, Barbara Hill, Rob Huff)
OR-933 (Kim Titus, Jerry Magee, Margaret Langlas, Leslie Frewing-Runyon)

cc:

Forest Service, Region 6

Alan Christensen, Sara Crim, Lisa Freedman,
Russell Holmes, Carol Hughes, Cal Joyner, Peggy Kain, Sue Zike
Forest Timber Contracting Officers
Forest Natural Resource Staff Officers

Forest Service, Region 5

Art Gaffrey, Chris Knopp, Debbie Whitman